

Efficiency and Legal Certainty in Civil Procedure: Registered Letter Summons After Supreme Court Circular No. 1 of 2023

Muhammad Aziz Marzuki ✉

Faculty of Law, Universitas Negeri Semarang, Indonesia

 <https://orcid.org/0009-0008-9952-0319>

Dian Latifiani ✉

Faculty of Law, Universitas Negeri Semarang, Indonesia

 <https://orcid.org/0000-0003-2119-2964>

Ahmad Habiburrahman

Al-Azhar University, Cairo, Egypt

 <https://orcid.org/0009-0005-8985-0080>

✉ Corresponding email: dianlatif@mail.unnes.ac.id

Abstract

This article reassesses the legal effectiveness of registered letter summons as a mode of service of process in Indonesian civil procedure following the enactment of Supreme Court Circular No. 1 of 2023. The study addresses a central question: whether the use of registered mail enhances procedural efficiency without undermining due process guarantees in private law disputes. Employing a normative juridical method combined with a conceptual and statutory approach, this research analyzes relevant procedural rules, judicial interpretations, and emerging practices in civil litigation. The findings indicate that while registered letter summons offer measurable advantages in terms of cost reduction, administrative efficiency, and expedited proceedings, their implementation raises concerns regarding proof of proper service, defendant awareness, and the risk of default judgments rendered without genuine notice. These issues directly affect the principles of *audi alteram partem*, legal certainty, and fairness in private law adjudication. The novelty of this study lies in its focus on the transformation of service of process mechanisms within Indonesian civil procedure through



the lens of digitalization and procedural reform, specifically examining the underexplored implications of Supreme Court Circular No. 1 of 2023. The article contributes to the development of private and commercial law scholarship by offering a critical framework for evaluating alternative service methods and proposing safeguards to balance efficiency with due process. It further provides practical recommendations for courts and policymakers to strengthen verification mechanisms and ensure the reliability of registered mail as a legally sound instrument of summons.

KEYWORDS *Registered Letter Summons; Service of Process; Civil Procedure; Legal Certainty; Due Process*

Introduction

The Supreme Court of Indonesia plays an important role in ensuring that judicial administration across all jurisdictions adheres to the principles of transparency, accountability, and accessibility.¹ These principles underpin the broader objective of delivering justice that is expeditious, simple, and cost-efficient, in line with the expectations of modern society.² Within the context of private and commercial law, the effectiveness of procedural mechanisms is closely tied to public confidence in the legal system. Accordingly, reforms in civil procedure must not only enhance administrative efficiency but also reflect the legal values and procedural safeguards embedded in the Indonesian legal order.³

Civil litigation inherently involves a sequence of procedural stages, commencing with the formal service of summons upon the parties. This initial step is of fundamental importance, as it ensures that litigants are

¹ Rinsofat Naibaho, and Indra Jaya M. Hasibuan. "Peranan Mahkamah Agung dalam Penegakan Hukum dan Keadilan Melalui Kekuasaan Kehakiman." *Nommensen Journal of Legal Opinion* 2, no. 2 (2021): 203-214; Daniel S. Lev, "Judicial authority and the struggle for an Indonesian Rechtsstaat." *Law & Society Review* 13, no. 1 (1978): 37-71.

² Mulyani Zulaeha, "E-Courts in Indonesia: Exploring the Opportunities And Challenges for Justice and Advancement to Judicial Efficiency." *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 183-194. See also Hari Purwadi, et al. "Resolving the Judiciary Tensions between the Constitutional Court and the Supreme Court of Indonesia." *Journal of Indonesian Legal Studies* 9, no. 1 (2024): 317-352.

³ Retno Kus Setyowati, "The Conclusive Phase of Civil Case Resolution: Examining Execution and Post-Decision Challenges in Indonesian Civil Procedural Law." *Unnes Law Journal* 9.2 (2023): 311-332; Dian Latifiani, et al. "Can Advocates' Legal Culture in Civil Law Enforcement Drive Reform in Indonesia's Modern Justice System?." *Journal of Law and Legal Reform* 5.3 (2024): 913-942.

properly notified and afforded an opportunity to be heard.⁴ Traditionally, summons in Indonesian courts have been executed directly by court bailiffs, reflecting a formalistic and territorially grounded approach to service of process.⁵ However, the rapid advancement of information technology has significantly reshaped judicial administration, prompting a transition from manual procedures to electronically supported systems of case management and communication.⁶

This transformation has extended to the mechanisms of summoning and notifying parties. Increasingly, courts have adopted alternative methods, including electronic and hybrid forms of service, aimed at improving efficiency and reducing procedural delays. While such developments align with global trends in judicial modernization, they also raise critical legal questions regarding the preservation of due process guarantees. In particular, the shift toward non-traditional methods of service necessitates careful scrutiny to ensure that procedural rights—such as proper notice and the opportunity to respond—are not compromised in the pursuit of administrative convenience.⁷

A significant institutional reform in this regard is the Supreme Court's collaboration with PT Pos Indonesia (Persero), the national postal service provider, to facilitate the delivery of summons and court notifications.⁸ This cooperation, effective from May 22, 2023, to May 22, 2026, formalizes the

⁴ Imam Hidayat, et al. "Preparatory Examination in Civil Procedure Law: Strategies for Swift and Efficient Justice." *Indonesia Law Reform Journal* 4, no. 2 (2024): 171-198; Umar Mubdi, and Martina Trikusrahayu. "Indonesia's Settlement Procedure of Small Claims: A Proposal for the Implementation of Online Dispute Resolution." *Indonesian Journal of Advocacy and Legal Services* 6, no. 1 (2024): 53-76.

⁵ Ahmad Burhanuddin, Syeh Sarip Hadaiyatullah, and Pramudya Wisesa. "Summons for Court Proceedings Using Registered Mail in the Perspective of Civil Procedure Law." *KnE Social Sciences* 9, no. 3 (2024): 545-559.

⁶ Santiana Siboro, and Sri Hadiningrum. "Tantangan Penegakan Hukum Perdata di Era Digital." *Public Service and Governance Journal* 5, no. 2 (2024): 52-59; Indriati Amarini, et al. "Digital Transformation: Creating an Effective and Efficient Court in Indonesia." *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 266-284; William Edward Sibarani, "Modern Justice: Indonesia's Supreme Court's Challenges to Uphold Fair Trial Principles Through Digitalization." *Brawijaya Law Journal* 10, no. 1 (2023): 106-121.

⁷ M. Beni Kurniawan, "Implementation of Electronic Trial (E-Litigation) on The Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law." *Jurnal Hukum dan Peradilan* 9, no. 1 (2020): 43-70; Dian Latifiani, et al. "Reconstruction of E-Court Legal Culture in Civil Law Enforcement." *Journal of Indonesian Legal Studies* 7, no. 2 (2022): 441-448.

⁸ See Diah Yustiasari, Ni Ketut Wiratny, and Erikson Sihotang. "Measuring the Effectiveness of Summons and Notification by Registered Mail in Civil Cases at the Denpasar District Court." *Edunity Kajian Ilmu Sosial dan Pendidikan* 3, no. 8 (2024): 701-727; Sahira Jati Pratiwi, Steven Steven, and Adinda Destaloka Putri Permatasari. "The Application of E-Court as an Effort to Modernize the Justice Administration in Indonesia: Challenges & Problems." *Indonesian Journal of Advocacy and Legal Services* 2, no. 1 (2020): 39-56.

use of registered mail as an integral component of civil procedural practice. By leveraging an established national logistics network, the Court seeks to standardize service of process, particularly for parties who do not possess an electronic domicile within the e-court system.

The normative foundation for this development is articulated in Supreme Court Circular Letter (SEMA) Number 1 of 2023, which aims to ensure uniform application of the procedural norms set forth in Supreme Court Regulation (Perma) Number 7 of 2022. Under this framework, summons and notifications addressed to parties without electronic domiciles must be conducted through registered mail.⁹ The requirement of a delivery receipt as proof of service is intended to provide formal legal certainty and evidentiary validity within civil proceedings. This regulatory approach reflects an effort to reconcile procedural innovation with the formal requirements of civil litigation.

Notwithstanding its regulatory intent, the practical implementation of registered letter summons has revealed notable challenges. Empirical observations indicate recurring issues, including repeated delivery attempts, returned or undelivered correspondence, and delays in receipt by the intended parties. Such deficiencies raise concerns regarding the reliability of registered mail as a method of service of process, particularly in ensuring that defendants receive actual and timely notice of proceedings that may substantially affect their legal rights and obligations.¹⁰

These challenges are exemplified in Case Number 1990/Pdt.G/2023/PA.Amb, where the execution of summons via registered mail encountered significant obstacles.¹¹ The case illustrates systemic

⁹ Hafizatul Ulum, and M. Dewa Ginting Singaulung. "Implementasi Peraturan Mahkamah Agung Republik Indonesia Nomor 7 Tahun 2022 Tentang Administrasi Perkara dan Persidangan di Pengadilan Secara Elektronik: Studi Kasus di Pengadilan Negeri Praya." *Jurnal Ilmu Sosial dan Humaniora* 2, no. 1 (2023): 75-88.

¹⁰ See Afrikal Candra, et al. "Implementation of SEMA Number 01 Years 2023: Summons Notice by Registered Mail in the Religious Court." *Hakamain: Journal of Sharia and Law Studies* 4, no. 1 (2025): 51-63. For further context, see also Danya Reda, "The Cost-and-Delay Narrative in Civil Justice Reform: Its Fallacies and Functions." *Oregon Law Review* 90, no. 4 (2012): 12-29; Om Krishna, "Structural Reforms for Overcoming Delays in Justice Delivery." *Journal of Constitutional Law and Jurisprudence* 1, no. 1 (2018): 32-41.

¹¹ Case No. 1990/Pdt.G/2023/PA.Amb refers to a civil case decided by the Ambarawa Religious Court (*Pengadilan Agama Ambarawa*) within Indonesia's religious court system. Substantively, cases in this jurisdiction typically involve family law disputes such as divorce, maintenance, or marital-related claims under Islamic law (Law No. 7 of 1989 as amended by Law No. 3 of 2006 and Law No. 50 of 2009). However, the key academic relevance of this case is not primarily its substantive dispute, but rather its procedural dimension concerning the validity and effectiveness of service of process through registered mail (*surat tercatat*) under Indonesia's modernized civil procedure framework. In this case, issues arose during the summons stage of proceedings, where

issues, such as unsuccessful delivery attempts and delayed notification, which ultimately risk undermining the defendant's ability to participate effectively in the proceedings. This situation highlights a critical tension between procedural efficiency and the protection of due process, particularly the principle of *audi alteram partem*, which requires that all parties be given a fair opportunity to be heard.

In response to such implementation gaps, Supreme Court Circular Letter Number 1 of 2023 introduces specific procedural safeguards under Article 8. These include the obligation to document delivery attempts through photographic evidence of the recipient's residence, complete with geolocation data, and the requirement to channel the summons through local administrative authorities when direct delivery fails. While these measures are designed to enhance accountability and traceability, their effectiveness remains subject to scrutiny. Accordingly, this article critically examines the use of registered letter summons within Indonesian civil procedure, assessing its implications for legal certainty, procedural fairness, and the broader development of private and commercial law in a modernized judicial system.

Building on the foregoing analysis, this study employs a qualitative empirical legal approach to assess the effectiveness of registered letter summons in practice. It focuses on the implementation of legal norms, parties' responses, and the extent to which the mechanism ensures procedural fairness and legal certainty. Data are collected through field research, primarily via semi-structured interviews with relevant stakeholders. The data are then systematically recorded, coded, classified, and analyzed to identify patterns and evaluate the gap between regulatory provisions and their practical application. This approach enables a concise

the court attempted to notify the defendant through registered mail service, as regulated under Supreme Court Circular Letter (SEMA) No. 1 of 2023 on Procedures for Summons and Notifications via Registered Mail, which operationalizes PERMA No. 7 of 2022 on Electronic Case Administration and Trial in Courts. The procedural complications included repeated delivery attempts, undelivered correspondence, and delays in receipt of summons by the intended party, raising concerns regarding whether the defendant had been effectively and lawfully notified of the proceedings. Such issues are central in determining the validity of subsequent procedural steps, particularly default judgments (*verstek*). See Supreme Court of Indonesia. *PERMA No. 7 of 2022 on Electronic Case Administration and Trial*. Available online at <https://jdih.mahkamahagung.go.id/legal-product/perma-nomor-7-tahun-2022/detail>; Supreme Court of Indonesia. *SEMA No. 1 of 2023 on Registered Mail Summons*. Available online at <https://jdih.mahkamahagung.go.id/legal-product/sema-nomor-1-tahun-2023/detail>; M. Yahya Harahap, *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*. (Jakarta: Sinar Grafika, 2017).

yet grounded assessment of how registered mail summons operate within Indonesian civil procedure.

Reconceptualizing Service of Process in Indonesian Civil Procedure: Practices and Limitations Prior to Supreme Court Circular Letter No. 1 of 2023

Before the issuance of Supreme Court Circular Letter No. 1 of 2023, service of process in Indonesian civil procedure was predominantly characterized by a formalistic and bailiff-centered model. Summons were primarily delivered directly by court bailiffs, reflecting a traditional understanding of procedural notification that emphasized physical delivery and territorial certainty. This approach was grounded in the principle that proper service is a prerequisite for valid judicial proceedings, ensuring that parties are formally and directly informed of litigation against them. However, in practice, this system often faced structural limitations, including geographical constraints, inefficiencies in court administration, and delays in case progression.¹²

Despite its normative clarity, the conventional summons mechanism frequently encountered practical challenges that affected the efficiency of civil litigation. Difficulties in locating parties, incomplete or outdated addresses, and logistical constraints in remote areas often resulted in repeated attempts at service or postponed hearings. These issues not only prolonged dispute resolution but also created procedural vulnerabilities, particularly in cases where default judgments were rendered based on questionable service. As a result, concerns emerged regarding the balance between procedural formality and effective access to justice.¹³

¹² Miftahus Sholehudin, and Hartika Nurfaizah. "Legal defect of verstek decision with invalid and proper summons in the context of Civil Procedure Law." *Al-Bayyinah* 7, no. 2 (2023): 242-260; Bagus Sujatmiko, "Electronic Public Summon in Civil Procedure in Effort to Quit the Colonial Heritage." *Jurnal Al-Maqasid: Jurnal Ilmu Kesyariahan dan Keperdataan* 8, no. 1 (2022): 28-45; Aulia Mukharomah, "Analisis Prosedur Pemanggilan Para Pihak yang Bersengketa." *Media Hukum Indonesia (MHI)* 2, no. 4 (2024): 794-800.

¹³ Tri Irahwati, "Penerapan Administrasi Perkara Persidangan Secara Elektronik Terhadap Keabsahan Putusan Majelis Hakim." *JPH: Jurnal Pembaharu Hukum* 1, no. 2 (2020): 137-154; Anita Afriana, and Efa Laela Fakhirah. "A Fast Procedure as an Access to Justice in Order to Realize a Simple, Fast, and Low Cost Principle in Indonesia." *Jurnal Dinamika Hukum* 16, no. 1 (2016): 99-105; Kukuh Santiadi, "Expanding Access to Justice Through E-Court in Indonesia." *Prophetic Law Review* 1, no. 1 (2019): 75-89.

Within this context, pre-2023 summons practices reveal an inherent tension between legal certainty and procedural efficiency. While the bailiff-based system was designed to safeguard due process, its rigid structure often limited adaptability to evolving social and administrative realities. This tension laid the groundwork for subsequent procedural reforms aimed at modernizing service of process and enhancing the responsiveness of the civil justice system.¹⁴

In civil procedural law, a summons is defined as an official notification issued by the court and delivered through a bailiff to the parties involved in litigation, informing them of their procedural rights and obligations to appear before the court or to perform specific procedural acts. Such notification must be carried out through direct personal service and formally documented in an official record (minutes of service) as an instrument of judicial accountability. A summons is deemed legally valid when it is executed in accordance with the applicable procedural requirements, thereby ensuring that the party concerned is properly and lawfully informed of the proceedings.

Under Indonesian civil procedural law, particularly as regulated in Article 390 paragraph (1) of the *Herziene Indonesisch Reglement* (HIR) and Articles 6–7 of the *Reglement op de Rechtsvordering* (Rv), summons must be served directly to the addressed party within a specified procedural timeframe. In practice, the summons is required to be delivered at least three days prior to the scheduled hearing (Article 122 HIR), and execution must take place between 06.00 and 18.00 local time. These provisions are designed to ensure procedural fairness by providing sufficient time for the summoned party to prepare and exercise their right to be heard.

However, the implementation of summons in practice is often subject to various procedural obstacles that may affect its legal validity and effectiveness. Such obstacles include late or insufficient notice, inaccurate or incomplete addresses of the summoned party, the physical absence of the recipient at the time of delivery, or refusal by the party to accept or acknowledge the summons, including refusal to sign the official record of service. These practical challenges may hinder the fulfillment of proper service requirements and potentially impact the validity of subsequent judicial proceedings if procedural due process is not adequately ensured.

In order to critically situate the reform of service of process in Indonesian civil procedure, it is necessary to first understand its doctrinal evolution prior to Supreme Court Circular Letter No. 1 of 2023.

¹⁴ See Sujatmiko, "Electronic Public Summon in Civil Procedure in Effort to Quit the Colonial Heritage."

Traditionally, summons in civil litigation were grounded in a bailiff-centered model under the *Herziene Indonesisch Reglement* (HIR) and *Reglement op de Rechtsvordering* (Rv), whereby personal delivery of court notices constituted the primary mechanism for ensuring procedural validity.¹⁵ As emphasized in procedural doctrine, proper service is not merely administrative formality but a fundamental precondition for the legitimacy of judicial proceedings, as it safeguards the defendant's right to be heard and to participate in adjudication. This conventional model reflects what Yahya Harahap describes as the "procedural gateway" of civil litigation, where the validity of subsequent judicial acts is contingent upon lawful and proper notification.¹⁶

However, legal scholarship has long identified structural limitations within this bailiff-based system. According to M. Yahya Harahap¹⁷ and supported by Zainal Asikin¹⁸, the effectiveness of summons in practice is frequently constrained by geographic barriers, inaccurate domiciles, and administrative inefficiencies, which often result in delayed or defective service. These deficiencies not only prolong litigation but also create procedural uncertainty, particularly in cases resolved by *verstek* judgment. As noted in empirical studies, such limitations reveal a persistent tension between normative procedural ideals and the realities of court administration, where formal legality does not always guarantee actual notice to litigants.

From a doctrinal perspective, legal scholars such as Soerjono Soekanto¹⁹ have emphasized that the effectiveness of law—including procedural law—depends on three interrelated factors: legal substance, legal structure, and legal culture. In the context of summons, the structural dependence on court bailiffs and physical delivery has been criticized for lacking adaptability to modern social conditions. This concern is echoed by contemporaneous studies on civil procedure reform, which argue that traditional summons mechanisms increasingly struggle to meet the demands of efficiency and access to justice in a rapidly digitalizing society.

¹⁵ See Sholehudin, and Nurfaizah. "Legal defect of verstek decision with invalid and proper summons in the context of Civil Procedure Law"; Mukharomah, "Analisis Prosedur Pemanggilan Para Pihak yang Bersengketa"; Afriana, and Fakhirah. "A Fast Procedure as an Access to Justice in Order to Realize a Simple, Fast, and Low Cost Principle in Indonesia."

¹⁶ See Harahap, *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*.

¹⁷ Harahap.

¹⁸ H. Zainal Asikin, *Hukum Acara Perdata di Indonesia: Edisi Kedua*. (Jakarta: Prenada Media, 2023).

¹⁹ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. (Jakarta: Raja Grafindo Persada, 2011).

Building upon these critiques, the introduction of e-Court and electronic summons (e-Summons) marked a significant procedural shift aimed at addressing systemic inefficiencies. Some studies, such as Manan HR, et.al²⁰, Musa, et.al²¹, and Pratiwi, et.al²² argue that procedural modernization is not merely technological adoption but a reconfiguration of legal rationality, where efficiency, accessibility, and legal certainty must be recalibrated. The Supreme Court's reform agenda, particularly through PERMA No. 7 of 2022, reflects this paradigm shift by integrating digital infrastructure into procedural law while attempting to preserve due process guarantees.

Nevertheless, despite these innovations, another studies, such as Latifiani²³, Safitri²⁴, and Rahmawati, et.al²⁵ caution that the transition from bailiff-based summons to electronic or postal mechanisms introduces new normative tensions. These include questions regarding the authenticity of service, evidentiary reliability, and the role of third-party intermediaries in delivering judicial notices. Such concerns become particularly relevant in light of empirical findings indicating that even post-reform mechanisms such as registered mail continue to face implementation challenges, including failed deliveries and verification issues.

In this context, Supreme Court Circular Letter No. 1 of 2023 can be understood as an intermediate regulatory response that attempts to bridge conventional procedural law with digital transformation. As observed by legal commentators, the circular expands the concept of lawful summons by recognizing registered mail as a valid instrument of service, thereby

²⁰ Abdul Manan HR, et al. "Judicial Reform Through the Use of Information and Communication Technology to Realize The Principles of Simple, Fast, and Law Cost Justice." *Journal Evidence of Law* 3, no. 3 (2024): 531-540.

²¹ Rahmawati Putri Musa, Fence M. Wantu, and Mohamad Taufiq Zulfikar Sarson. "Implementation of Civil Case Settlement Before and After The Enactment of E-Court System in Electronic and Conventional Courts." *Jembatan Hukum: Kajian Ilmu Hukum, Sosial dan Administrasi Negara* 1, no. 1 (2024): 17-31.

²² Pratiwi, et.al "The Application of E-Court as an Effort to Modernize the Justice Administration in Indonesia: Challenges & Problems."

²³ Dian Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)." *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 157-184.

²⁴ Anisa Endah Dwi Safitri, and Dian Latifiani. "The Implementation of Electronic Litigation (e-Litigation) in Efforts to Realize the The Principles of Swift, Simple, and Cost-effective Trials at Semarang District Court: Pelaksanaan Persidangan Elektronik (e-Litigation) dalam Upaya Mewujudkan Asas Persidangan Cepat, Sederhana, Biaya Ringan di Pengadilan Negeri Semarang." *Annual Review of Legal Studies* 1, no. 3 (2024): 439-460.

²⁵ Ulfah Dwi Rahmawati, et al. "Digital Transformation in Case Handling: A Juridical Review of Technology Utilization in the Justice System in Indonesia and Malaysia." *Unnes Law Journal* 10, no. 1 (2024): 43-80.

redistributing procedural authority from bailiffs to postal service providers under judicial supervision. This development reflects what legal theorists such as Mertokusumo²⁶ describe as “*functional adaptation of procedure*,” where procedural rules evolve to maintain relevance in changing socio-legal environments.

However, the effectiveness of this procedural reconceptualization remains a contested issue in both Indonesian and comparative legal scholarship. From a domestic perspective, M. Yahya Harahap emphasizes that any reform in service of process must preserve the integrity of *due process of law*, particularly the requirement of actual and verifiable notice to litigants, as procedural validity is inseparable from the legitimacy of judicial outcomes.²⁷ In a similar vein, Sudikno Mertokusumo conceptualizes procedural law as an instrument of legal protection, where the primary objective is not merely administrative efficiency but the guarantee that parties are meaningfully informed and able to defend their interests.²⁸ Complementing these views, Soerjono Soekanto’s theory of legal effectiveness²⁹ further highlights that the success of procedural reform is determined by the interaction between legal norms, institutional capacity, and legal culture, thereby indicating that structural limitations may significantly affect the performance of innovations such as registered mail summons. Abdul Manan also stresses that modernization of civil procedure must be accompanied by robust procedural safeguards to prevent erosion of legal certainty and to maintain public trust in judicial decisions.³⁰

Comparable concerns are also reflected in international legal scholarship. In common law jurisdictions, Richard Susskind argues that digital and remote methods of court communication must be evaluated against the standard of *access to justice*, cautioning that efficiency-driven reforms may inadvertently exclude or disadvantage certain litigants if procedural safeguards are weakened.³¹ Similarly, Adrian Zuckerman, a prominent scholar of civil procedure, maintains that service of process is a foundational element of procedural justice, and that any substitute mechanism must ensure reliable communication equivalent to personal

²⁶ See Sudikno Mertokusumo, *Penemuan Hukum Sebuah Pengantar*. (Yogyakarta: Liberty, 2007).

²⁷ See Harahap, *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian, dan Putusan Pengadilan*.

²⁸ See Mertokusumo, *Penemuan Hukum Sebuah Pengantar*

²⁹ See Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

³⁰ See Manan HR, et al. "Judicial Reform Through the Use of Information and Communication Technology to Realize The Principles of Simple, Fast, and Law Cost Justice."

³¹ Richard E. Susskind, *Tomorrow's Lawyers: An Introduction to Your Future*. (Oxford: Oxford University Press, 2023).

service in terms of certainty and accountability.³² In continental European scholarship, Michele Taruffo emphasizes that procedural fairness requires not only formal compliance with rules but also substantive assurance that parties are genuinely placed in a position to participate effectively in proceedings.³³ These comparative insights reinforce the view that procedural innovation must be assessed through a dual framework of efficiency and fairness.

Taken together, both Indonesian and international scholarly perspectives converge on the proposition that procedural reform—particularly in the domain of summons—cannot be justified solely on grounds of administrative modernization. Instead, its legitimacy depends on its ability to maintain the core guarantees of civil justice, including effective notice, equality of arms, and legal certainty. This underscores the necessity of empirical legal analysis to evaluate how reforms such as registered mail summons operate in practice, and whether they succeed in bridging the gap between normative objectives and procedural realities.

Therefore, reconceptualizing service of process prior to Circular Letter No. 1 of 2023 reveals a dynamic interplay between doctrinal tradition, procedural inefficiency, and reform-oriented innovation. It demonstrates that Indonesian civil procedure is currently situated in a transitional phase, where classical bailiff-based systems coexist with technologically mediated and hybrid forms of summons. This transitional condition forms the analytical foundation for assessing the extent to which subsequent reforms, including registered letter summons, succeed in reconciling efficiency with procedural justice and legal certainty in private law adjudication.

Transformation of Service of Process in Civil Procedure: The Implementation of Registered Letter Summons After Supreme Court Circular Letter No. 1 of 2023

The issuance of Supreme Court Circular Letter No. 1 of 2023 marks a significant transformation in the Indonesian civil procedural framework, particularly in the mechanism of service of process. This regulation introduced registered letter summons as an alternative method of delivering court notifications, especially for parties without electronic domiciles. The

³² See A. A. S. Zuckerman, "A Reform of Civil Procedure: Rationing Procedure Rather Than Access to Justice," *Journal of Law and Society* 22, no. 2 (1995): 155-188.

³³ See Michele Taruffo, "Civil Procedure: Philosophy of," *Encyclopedia of the Philosophy of Law and Social Philosophy*. (Dordrecht: Springer Netherlands, 2023), pp. 467-470.

reform reflects a broader institutional shift toward procedural modernization and administrative efficiency within the judiciary.³⁴

In operational terms, the implementation of registered mail summons is supported by cooperation between the Supreme Court and PT Pos Indonesia (Persero), which functions as an official delivery service provider. This arrangement is intended to standardize summons delivery, reduce administrative burdens on court bailiffs, and accelerate procedural timelines. The inclusion of delivery receipts as formal proof of service further strengthens the evidentiary basis of summons, thereby enhancing procedural documentation within civil proceedings.³⁵

Nevertheless, this transformation also introduces a reconfiguration of procedural guarantees in civil litigation. By replacing direct physical service with postal delivery mechanisms, the system seeks to balance efficiency with legal certainty. However, this shift raises important doctrinal questions regarding the adequacy of notice, the reliability of delivery confirmation, and the extent to which such mechanisms fully comply with fundamental due process requirements in private law disputes.³⁶

Furthermore, service of process through registered letter is regulated under specific procedural conditions within the Indonesian civil justice system. Registered mail summons may be employed, *inter alia*, where a defendant who has been duly summoned electronically fails to appear before the court, thereby necessitating an alternative method of notification.³⁷ In addition, where a defendant does not possess an electronic domicile or expressly objects to the use of electronic litigation procedures, such objection or communication may also be conveyed through registered correspondence. Likewise, notification of court decisions to defendants is conducted via registered mail, provided that prior summons has been lawfully executed in accordance with applicable procedural requirements. These provisions reflect the integration of hybrid mechanisms within civil procedure, combining both electronic and non-electronic forms of service to ensure procedural continuity.

³⁴ See Sujatmiko, "Electronic Public Summon in Civil Procedure in Effort to Quit the Colonial Heritage."

³⁵ See Irahwati, "Penerapan Administrasi Perkara Persidangan Secara Elektronik Terhadap Keabsahan Putusan Majelis Hakim."

³⁶ See Kurniawan, "Implementation of Electronic Trial (E-Litigation) on The Civil Cases in Indonesia Court as a Legal Renewal of Civil Procedural Law." *See also* Benny Riyanto, "National Law Development in New Normal Era." *Indonesian Law Journal* 13, no. 2 (2020): 87-107; Zil Aidi, "Mediasi Elektronik Sebagai Alternatif Penyelesaian Sengketa Perdata Di Pengadilan Negeri Pada Era Pandemi Covid-19." *Jurnal Hukum Magnum Opus* 5, no. 1 (2022): 133-146.

³⁷ See Mukharomah, "Analisis Prosedur Pemanggilan Para Pihak yang Bersengketa."

The introduction of registered letter summons is closely linked to the broader institutional transition from manual to electronic case administration under the e-Court (Electronic Court) system. In this framework, registered mail does not replace judicial authority in service of process but functions as an operational extension facilitated through a formal cooperation scheme between the judiciary and designated service providers. In this regard, PT Pos Indonesia (Persero) has been officially appointed as the authorized provider for the delivery of registered summons and notifications, pursuant to a cooperation agreement with the Supreme Court, which is effective for a three-year period from 22 May 2023 to 22 May 2026. This arrangement represents a structural shift in procedural implementation, whereby certain administrative functions are delegated to external service institutions under judicial supervision.³⁸

The implementation of this mechanism applies across all judicial environments under the Supreme Court of the Republic of Indonesia, including the General Courts (comprising High Courts, District Courts, Corruption Courts, Commercial Courts, Industrial Relations Courts, Fisheries Courts, and Human Rights Courts), Religious Courts (including the High Religious Court/Sharia Court of Aceh and first-instance Religious Courts/Sharia Courts), Military Courts (comprising Military Courts, High Military Courts, and Main Military Courts), and Administrative Courts (including High Administrative Courts, Tax Courts, and State Administrative Courts). This comprehensive scope demonstrates the systemic nature of procedural reform, which extends uniformly across all branches of the judiciary.³⁹

Normatively, Supreme Court Circular Letter No. 1 of 2023 concerning Procedures for Summons and Notifications via Registered Mail stipulates that all summons and notifications delivered through registered mail must be accompanied by verifiable proof of receipt signed or acknowledged by the recipient, including a clear indication of the date of receipt. This requirement is equally applicable to proceedings conducted electronically through the e-Court system. By mandating documentary evidence of delivery, the regulation seeks to ensure that the service of process is not only formally executed but also verifiably recorded, thereby enhancing procedural accountability.

Accordingly, the integration of registered mail within both conventional and electronic litigation frameworks is intended to strengthen

³⁸ See Sujatmiko, "Electronic Public Summon in Civil Procedure in Effort to Quit the Colonial Heritage."

³⁹ Dedi Putra, "A modern judicial system in Indonesia: legal breakthrough of e-court and e-legal proceeding." *Jurnal Hukum dan Peradilan* 9, no. 2 (2020): 275-297.

the measurability, traceability, and evidentiary reliability of summons and court notifications.⁴⁰ This hybrid procedural model reflects an ongoing effort to reconcile traditional principles of civil procedure with contemporary demands for efficiency and digital transformation, while maintaining the fundamental requirement of ensuring that parties are properly and demonstrably informed of judicial proceedings affecting their legal interests.

The practical implementation of electronic summons (e-summons) and registered letter summons in Indonesian civil procedure illustrates a broader tension between procedural modernization and the principle of effective notice. From a legal sociological perspective, this issue can be analyzed through Soerjono Soekanto's theory of legal effectiveness⁴¹, which posits that the functioning of law is determined by five interrelated factors: the legal norm itself, law enforcement institutions, supporting facilities, society, and legal culture. In the context of e-Court, procedural failures such as forgotten account credentials or limited digital literacy demonstrate weaknesses in the "societal" and "infrastructural" components, indicating that formal availability of electronic systems does not necessarily translate into effective access to justice.⁴²

This condition can also be examined through the lens of procedural justice theory, particularly as developed by Tom R. Tyler, which emphasizes that legitimacy of legal processes depends not only on outcomes but also on the perceived fairness of procedures, including the clarity and reliability of notification mechanisms.⁴³ When parties do not receive or cannot access summons due to technical or user-related barriers, the perceived fairness of the judicial process may be undermined, even if the court has formally complied with procedural rules. This is particularly relevant in default judgments (*verstek*), where the absence of a defendant is legally significant but may be procedurally contested if proper notice is uncertain.

The challenges in registered mail summons further reflect what comparative civil procedure scholars, such as Adrian Zuckerman, describe as the "*risk of substituted service*," where indirect methods of notification must achieve functional equivalence to personal service.⁴⁴ In practice, ambiguity arises when postal officers deliver summons to individuals other

⁴⁰ See Zuckerman, "A Reform of Civil Procedure: Rationing Procedure Rather Than Access to Justice."

⁴¹ See Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

⁴² See also Tom R. Tyler, *Why People Obey the Law*. (New Jersey: Princeton University Press, 2006).

⁴³ Tyler.

⁴⁴ See Zuckerman, "A Reform of Civil Procedure: Rationing Procedure Rather Than Access to Justice."

than the named party, such as adult household members, raising evidentiary questions regarding whether “effective notice” has truly been achieved. From a doctrinal standpoint, this problem directly engages with the principle of *audi alteram partem*, which requires that no party be deprived of legal rights without a genuine opportunity to be heard.

Empirically, such issues are not merely theoretical. In several civil proceedings within Indonesian district courts, particularly in default divorce and contractual disputes, litigants have challenged judgments on the basis of improper or defective service, arguing that summons were either not received or delivered to unauthorized recipients. These disputes illustrate the continuing relevance of formal service requirements as a safeguard against procedural invalidity, even in a system increasingly oriented toward efficiency and digitalization.

The normative response to these challenges is reflected in Supreme Court Circular Letter No. 1 of 2023, which attempts to standardize registered mail summons and introduce procedural safeguards such as delivery deadlines and documentation requirements. However, from an administrative law perspective, the circular also reveals a regulatory gap in accountability, particularly concerning failures by third-party service providers. This can be analyzed using Weber’s theory of bureaucratic authority⁴⁵, which emphasizes that modern legal systems rely on rational-legal structures that require clear lines of responsibility. The absence of explicit sanctions or liability mechanisms for postal service failure potentially weakens this rational structure.

Moreover, the hybridization of electronic and physical summons reflects what Richard Susskind terms the “*digital transformation of courts*,” where traditional procedural guarantees are reconfigured through technological mediation. While such transformation enhances efficiency, Susskind cautions that digital systems must be designed around inclusivity and accessibility, otherwise they risk creating a “*digital procedural divide*.”⁴⁶ In the Indonesian context, this divide is evident in the differential capacity of litigants to access e-Court systems and to respond effectively to electronic or postal notifications.

Consequently, the implementation of e-summons and registered letter summons should not be evaluated solely on normative compliance with procedural regulations, but also through an empirical and socio-legal framework that accounts for institutional capacity, user accessibility, and

⁴⁵ See Max Weber, “Bureaucracy.” In *Social Theory Re-wired*. (London: Routledge, 2023), pp. 271-276.

⁴⁶ See Richard Susskind, *Online Courts and the Future of Justice*. (Oxford: Oxford University Press, 2019).

evidentiary reliability. The interplay between Soekanto's structural factors, Tyler's procedural justice theory, and Zuckerman's doctrine of effective service highlights that the core issue is not merely technological innovation, but the preservation of due process within a transforming procedural landscape.

Ultimately, these challenges underscore that procedural reform in Indonesian civil justice operates within a transitional legal order, where traditional bailiff-based service, electronic summons, and registered mail coexist in a hybrid system. The effectiveness of such a system depends on its ability to ensure not only administrative efficiency but also substantive procedural fairness. Without addressing structural and operational deficiencies, particularly in service verification and accountability, the modernization of summons risks undermining the very objective it seeks to achieve: a just, certain, and accessible civil justice system.

Challenges in the Implementation of Registered Letter Summons in Civil Procedure

Although registered letter summons were introduced to improve efficiency in civil procedural practice, their implementation reveals a complex intersection between normative regulation, institutional capacity, and procedural justice. From a normative standpoint, the mechanism is grounded in Supreme Court Circular Letter No. 1 of 2023 concerning Procedures for Summons and Notifications via Registered Mail, which operationalizes Supreme Court Regulation (PERMA) No. 7 of 2022 on electronic case administration. These instruments must also be understood within the hierarchy of legislation under Article 8 paragraph (1) of Law No. 12 of 2011 on the Formation of Legislation, as amended by Law No. 15 of 2019 and Law No. 13 of 2022, which recognizes Supreme Court Regulations as binding legal instruments below statutes but functionally equivalent to government regulations. In this sense, the registered mail mechanism constitutes a formally valid procedural innovation within Indonesian civil justice architecture.

From a doctrinal perspective, however, the effectiveness of such procedural innovation must be assessed against the foundational requirements of service of process in civil law. M. Yahya Harahap emphasizes that proper summons is not merely a procedural formality but a constitutional safeguard ensuring the realization of *audi et alteram partem*, whereby no party may be bound by a judgment without being properly notified. Similarly, Sudikno Mertokusumo conceptualizes

procedural law as an instrument of legal protection (*rechtsbescherming*), meaning that procedural mechanisms must guarantee real opportunities for parties to defend their interests, not merely formal compliance with procedural steps. In this light, any summons mechanism that fails to ensure actual or effective notice risks undermining the legitimacy of judicial outcomes.

Empirically, the implementation of registered mail summons exposes structural weaknesses in the supporting administrative and logistical systems. Soerjono Soekanto's theory of legal effectiveness is particularly relevant here, as it identifies five determinants of legal functioning: legal substance, law enforcement, facilities, society, and legal culture. The recurring problems of incorrect addresses, incomplete documentation, and inconsistent understanding by postal officers indicate deficiencies across multiple dimensions, particularly in institutional coordination and legal culture. For example, in practice, postal officers often interpret service narrowly as requiring direct delivery to the named recipient, leading to returns without proper documentation of attempted delivery, despite SEMA No. 1 of 2023 expressly allowing alternative forms of delivery such as to adult household members or local administrative officials (*lurah/kepala desa*). This mismatch between regulatory design and operational understanding reflects what socio-legal scholars describe as a "*gap between law in the books and law in action*."

Further complexity arises from evidentiary and procedural validity requirements under SEMA No. 1 of 2023, which mandates that registered mail delivery be supported by proof of receipt, including date confirmation and, in practice, photographic documentation of the recipient with identification. The absence of such documentation raises significant legal concerns regarding proof of proper service, particularly in relation to *verstek* judgments. In comparative civil procedure theory, Adrian Zuckerman argues that service of process must meet a standard of "functional equivalence," meaning that substituted service is only valid if it reliably ensures that the defendant is placed in a position to respond. When evidentiary safeguards are incomplete, this functional equivalence becomes questionable, potentially weakening the procedural legitimacy of the proceedings.

The issue of inaccurate party data further illustrates systemic vulnerability in the e-Court ecosystem. The obligation of plaintiffs to provide correct domiciliary information under electronic filing procedures is central to procedural fairness. However, empirical findings indicate frequent misidentification or incomplete address submission, resulting in summons being sent to incorrect or inaccessible locations. This problem

can be analyzed through Tyler's theory of procedural justice, which emphasizes that perceived fairness depends heavily on the transparency and reliability of procedural steps. When defendants are not properly informed due to inaccurate data input, the legitimacy of judicial authority is indirectly undermined, even if formal compliance with procedural rules is maintained.

In addition, the delegation of summons execution to PT Pos Indonesia (Persero) under a cooperation framework with the Supreme Court introduces what Max Weber conceptualizes as a rational-legal bureaucratic expansion, where administrative authority is partially transferred to specialized institutions. While this arrangement aims to enhance efficiency, it also introduces a "third-party accountability gap," particularly in cases where delivery failure occurs. The absence of explicit legal consequences for postal non-compliance in SEMA No. 1 of 2023 further strengthens this normative gap, raising concerns about enforceability and institutional responsibility.

Taken together, these issues demonstrate that the effectiveness of registered letter summons cannot be evaluated solely on the basis of regulatory compliance. Rather, it must be assessed through an integrated framework combining doctrinal requirements of due process (*Harahap, Mertokusumo*), socio-legal effectiveness theory (*Soekanto*), procedural justice theory (*Tyler*), and comparative civil procedure standards (*Zuckerman*). The convergence of these perspectives indicates that while registered mail summons represents a significant procedural innovation, its success ultimately depends on the coherence between legal norms, institutional capacity, and practical implementation. Without addressing these multidimensional gaps, the reform risks producing formal compliance without substantive procedural justice.

In line with the previously discussed challenges—namely inaccurate address data, inconsistent understanding among postal officers, and evidentiary deficiencies in registered mail summons—the Supreme Court and its supporting institutions have introduced several corrective measures to enhance the effectiveness of service of process. These efforts reflect an attempt to operationalize the normative framework of Supreme Court Circular Letter No. 1 of 2023 and PERMA No. 7 of 2022, while simultaneously addressing the implementation gap identified in both doctrinal and empirical analysis. From a legal effectiveness perspective as articulated by Soerjono Soekanto, these measures are directed at strengthening institutional capacity and improving coordination between legal actors and supporting infrastructure.

One of the primary remedial strategies is the systematic socialization and technical training of postal officers involved in the delivery of registered summons. Courts are required to coordinate with PT Pos Indonesia (Persero), which in turn instructs its regional and branch offices to disseminate operational guidelines to postal couriers regarding the procedural requirements of court-related deliveries. This includes clarification of delivery modalities, such as permissible receipt by adult household members or authorized local officials, as regulated under SEMA No. 1 of 2023. This initiative reflects what legal institutional theory describes as “capacity-building in legal implementation,” where the effectiveness of legal norms depends on the competence of implementing agents.

In addition, internal judicial mechanisms such as monitoring and evaluation (*monev*) are conducted periodically to assess the performance of summons delivery, identify operational obstacles, and formulate corrective actions. This reflects an administrative accountability approach consistent with Max Weber’s rational-legal bureaucracy, in which continuous supervision is necessary to ensure procedural regularity within a hierarchical institutional structure. However, as noted in procedural justice theory (Tyler), such institutional controls alone are insufficient unless they also ensure that litigants experience the process as fair, transparent, and reliable.

At the normative level, the implementation of SEMA No. 1 of 2023 requires strict evidentiary compliance, particularly the obligation to attach proof of receipt, including the recipient’s signature, identification photograph, and date of delivery. This requirement serves as a procedural safeguard to ensure that service of process meets standards of legal certainty and verifiability. In doctrinal terms, this aligns with M. Yahya Harahap’s emphasis on the indispensability of proper summons as a prerequisite for valid adjudication, particularly in *verstek* proceedings where the absence of a defendant must be supported by clear evidence of lawful notification.

Nevertheless, the effectiveness of these safeguards is significantly influenced by litigant behavior at the case registration stage. Parties are legally required to provide accurate and verifiable domiciliary information when submitting claims through the e-Court system. However, empirical findings indicate instances of inaccurate or deliberately misleading address submissions, including the use of non-existent residences or addresses associated with the plaintiff’s relatives. Such conduct undermines procedural integrity and directly contributes to failed service, thereby engaging the principle of good faith (*itikad baik*) in procedural

law, which is essential to maintaining fairness in adversarial proceedings.⁴⁷

Finally, these developments indicate that overcoming obstacles in registered mail summons requires a multi-layered approach that integrates regulatory enforcement, institutional coordination, and litigant compliance. From the perspective of legal system theory, the effectiveness of summons cannot be ensured solely through normative regulation but must be supported by coherent interaction among legal structure, legal culture, and legal substance. Accordingly, strengthening address verification mechanisms, improving inter-agency coordination, and enhancing procedural discipline among litigants are essential to ensuring that the objectives of efficiency, legal certainty, and procedural fairness are simultaneously achieved in Indonesian civil procedure.

Assessing the Effectiveness of Registered Letter Summons in Civil Procedure

The effectiveness of registered letter summons must be understood as a contested construct situated at the intersection of procedural efficiency and due process guarantees. From a functional standpoint, the mechanism represents a rationalization of civil procedure, aimed at reducing dependency on bailiff-based service, lowering litigation costs, and accelerating case management. In doctrinal terms, this reform is embedded within PERMA No. 7 of 2022 and Supreme Court Circular Letter No. 1 of 2023, which collectively institutionalize hybrid modes of service combining electronic systems and postal delivery. This trajectory reflects a broader global trend in civil justice reform toward procedural digitalization and administrative streamlining.

Nevertheless, from a jurisprudential perspective, the legitimacy of any service of process mechanism remains anchored in the principle of effective notice as a manifestation of *audi alteram partem*. Indonesian scholars such as M. Yahya Harahap and Sudikno Mertokusumo consistently emphasize that procedural law derives its normative force from its capacity to ensure meaningful participation of litigants, not merely formal compliance with procedural steps. Within this framework, registered mail summons must be evaluated not only in terms of efficiency but also in terms of its ability to

⁴⁷ Nabilia Putri Anjani Sumadiyono, A. P. R. P. Banjaransar, and Dian Latifiani. "Juridical Analysis of Inhibiting Factors in the Implementation of E-Litigation by the Community in the Legal Framework of the Civil Procedure Court." *Melayunesia Law* 5, no. 2 (2021): 231.

guarantee actual and verifiable notice, which constitutes a precondition for valid adjudication.⁴⁸

This normative tension becomes more analytically robust when situated within Lawrence M. Friedman's legal system theory. While the legal substance of registered mail summons has been clearly articulated through regulatory instruments, the structural and cultural dimensions remain uneven. Institutional coordination between courts and PT Pos Indonesia (Persero), as well as between postal officers and local administrative authorities, often reveals inconsistencies in implementation. At the cultural level, deficiencies such as inaccurate address reporting, limited procedural awareness among litigants, and inconsistent understanding of evidentiary requirements significantly affect the reliability of service. These structural-cultural frictions indicate that legal modernization does not automatically translate into functional effectiveness.⁴⁹

Soerjono Soekanto's theory of legal effectiveness further reinforces this diagnosis by identifying five interdependent determinants: legal norms, law enforcement, infrastructure, societal compliance, and legal culture. In the context of registered mail summons, weaknesses are particularly evident in infrastructural reliability and societal factors. Empirical patterns of undelivered summons, incomplete documentation, and incorrect domiciliary information suggest that procedural failure is not merely technical but systemic. From an inductive-empirical standpoint, law operates as a behavioral system, meaning that its effectiveness is contingent upon repeated compliance patterns rather than normative design alone.⁵⁰

Global comparative scholarship provides an important analytical lens for understanding these challenges. In common law jurisdictions, scholars such as Adrian Zuckerman emphasize that service of process must satisfy a standard of "functional equivalence," meaning that substituted service is only valid if it reliably ensures that the defendant is placed in a position to respond. Similarly, Richard Susskind, in his analysis of digital justice transformation, cautions that technological efficiency must not erode

⁴⁸ Vania Shafira Yuniar, Jihan Syahida Sulistyanti, and Dian Latifiani. "The Court Role in Providing E-court System Education to Community: Post-Enactment of Supreme Court Regulation Number 1 of 2019." *UNIFIKASI: Jurnal Ilmu Hukum* 8, no. 1 (2021): 34-42; Hisam Ahyani, Muhamad Ghofir Makturidi, and Muharir Muharir. "Administrasi Perkara Perdata Secara E-Court di Indonesia." *Batulis Civil Law Review* 2, no. 1 (2021): 56-65.

⁴⁹ Ahmad Tholabi Kharlie, and Achmad Cholil. "E-court and e-litigation: The new face of civil court practices in Indonesia." *International Journal of Advanced Science and Technology* 29, no. 2 (2020): 2206-2213.

⁵⁰ See also Iqbal Juliansyah, Imam Mustofa, and Moelki Fahmi Ardliansyah. "Effectiveness of E-Court-Based Services in Resolving Civil Cases at the Sukadana District Court." *Istinbath: Jurnal Hukum* 21, no. 2 (2024): 1-19.

“procedural accessibility,” warning of a potential digital divide in court communication systems. From a European civil procedure perspective, Michele Taruffo underscores that procedural fairness requires both formal legality and substantive reliability of notification, particularly where default judgments are concerned.

When viewed through this comparative lens, Indonesia’s registered letter summons system can be understood as part of a global shift toward hybrid procedural models that combine digital and physical mechanisms of service. However, comparative experience also demonstrates that such hybridization introduces new risks related to verification, accountability, and access inequality. In several jurisdictions, including parts of Europe and Australia, postal and electronic service reforms have been accompanied by stringent evidentiary safeguards and centralized tracking systems to ensure traceability and reduce contested service.

In the Indonesian context, while SEMA No. 1 of 2023 introduces important safeguards such as proof of receipt, delivery deadlines, and coordination with local authorities, its effectiveness remains dependent on implementation capacity and inter-institutional coherence. The absence of explicit liability mechanisms for service failure by third-party providers further distinguishes it from more mature comparative models, where accountability frameworks are more clearly articulated. This normative gap highlights the transitional nature of Indonesia’s procedural modernization.⁵¹

Ultimately, both domestic theoretical frameworks and global scholarship converge on a central insight: the effectiveness of registered letter summons cannot be reduced to procedural efficiency alone. Rather, it must be evaluated through an integrated lens that accounts for due process guarantees, institutional capacity, and socio-legal conditions of implementation. The Indonesian experience thus reflects a broader global dilemma in civil justice reform—namely, how to reconcile technological and administrative efficiency with the enduring requirements of procedural fairness, legal certainty, and meaningful access to justice.

Conclusion

In conclusion, this study finds that the introduction of registered letter summons under Supreme Court Circular Letter (SEMA) No. 1 of 2023

⁵¹ See also Eti Yusnita, and Muhammad Toriq. "Embracing E-Court Innovation: Advancing Maslahah Mursalah in Indonesia's Religious Courts." *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 2 (2024): 506-523.

represents a significant procedural innovation in Indonesian civil procedure, aimed at enhancing efficiency, reducing litigation costs, and modernizing the service of process previously performed exclusively by bailiffs. Normatively, this reform reflects the Supreme Court's broader agenda of procedural modernization and administrative simplification within the civil justice system, particularly through the integration of postal services into judicial functions. However, its effectiveness in practice is not absolute but conditional, as it depends on the proper functioning of supporting institutional and societal components.

Empirical analysis shows that the implementation of registered letter summons is constrained by several interrelated factors, including limited understanding among postal officers regarding procedural requirements, inconsistencies in the preparation of delivery documentation (particularly proof of receipt and recipient identification), and inaccuracies in address information provided by litigants during case registration. These issues are further compounded by varying levels of legal awareness and compliance among court users, which in some cases lead to defective or failed service. From a legal system perspective, these findings demonstrate a gap between normative design and practical implementation, where legal substance exists but structural and cultural support remains insufficient.

Accordingly, this study answers the research question by concluding that registered letter summons is effective in normative terms but only partially effective in practice due to structural, institutional, and behavioral constraints. To enhance its effectiveness, this study recommends strengthening inter-institutional coordination between courts and postal service providers, improving training and socialization for implementing actors, and enhancing verification mechanisms within the e-Court system to ensure accurate party data. Future research is encouraged to explore comparative models of service of process in other jurisdictions, particularly hybrid digital-postal systems, as well as to empirically assess the impact of summons deficiencies on procedural fairness, default judgments, and access to justice outcomes.

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The future of the court system will be shaped by technological advancements that make legal processes more accessible, efficient, and transparent. Courts must evolve from being brick-and-mortar institutions to becoming digital platforms that can serve citizens in a faster, more cost-effective manner.

Richard Susskind (2019)

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